

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0444R

RESOLUTION VACATING PLATTED BAYVIEW AVENUE BETWEEN WORTH STREET AND HALSEY STREET, AND PLATTED HALSEY STREET BETWEEN BAYVIEW AVENUE AND OAKLAND AVENUE, AND RETAINING UTILITY EASEMENT ON BAYVIEW AVENUE (REGENTS OF THE UNIVERSITY OF MINNESOTA)

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described below in (d) below; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing and the city planning commission found that the petitioned easement is useless for all purposes; and

(c) The city planning commission, at its Tuesday, August 14, 2012, regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the platted street described below and as described and depicted on Public Document No. _____:

Bayview Avenue from the northern line of Halsey Street to the northern line of Worth Street, Oakland Park Addition

and

Halsey Street from the eastern line of Oakland Avenue to the western line of Bayview Avenue, Oakland Park Addition

(e) The city council of the city of Duluth approves the dedication of the utility easement described below and as described and depicted on Public Document

No. _____:

A 20' portion beginning 6' west the southwest corner of Lot 12, Block 10, Oakland Park Addition to the southern line of Block 18, Oakland Park Addition extended and a 20' portion beginning at the southeast corner of Lot 1, Block 19, Oakland Park Addition, extending north 100'.

(f) That the city clerk is, pursuant to Section 100 (b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record, with the register of deeds and/or the registrar of titles of Saint Louis County,

Minnesota, a certified copy of this resolution and Public Document
No. _____ showing the platted street to be vacated.

Approved as to form:



Attorney

STATEMENT OF PURPOSE: These portions of Halsey Street and Bayview Avenue are undeveloped. The University of Minnesota owns all property abutting the proposed vacation area.

On August 14, 2012, the Duluth city planning commission held a public hearing on the proposal and voted 7 yeas, 0 nays, and 0 abstentions to recommend that the city council approve the vacation and utility easement dedication.

The motion to approve the vacation by the city council must prevail with at least six affirmative votes.

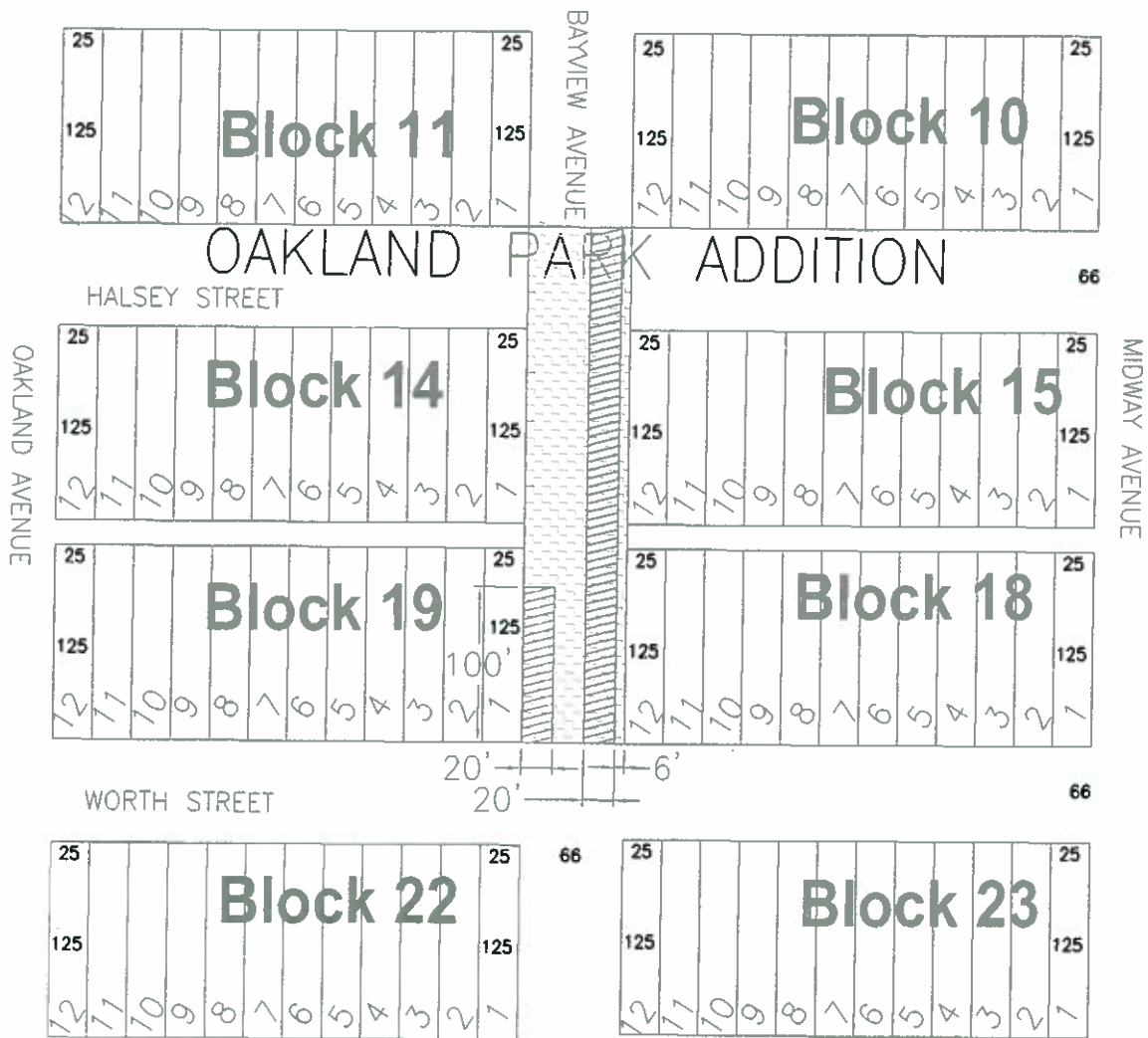
Petition Received: April 30, 2012

Action Deadline: There is no action deadline for this resolution.

Petitioner:

Regents of the University of Minnesota
Real Estate Office Donhowe 4th
319 15th Avenue SE
Minneapolis, MN 55455

PL 12-080



PLAT SHOWING THE VACATION OF BAYVIEW AVENUE FROM THE NORTHERN LINE OF HALSEY STREET TO THE NORTHERN LINE OF WORTH STREET OAKLAND PARK ADDITION.

THE PORTIONS TO BE VACATED IS SHOWN  ON THE ABOVE PLAT.

PLAT SHOWING THE PORTION OF BAYVIEW AVENUE TO BE RETAINED AS A UTILITY EASEMENT INCLUDING A 20' PORTION BEGINNING 6' WEST THE SOUTHWEST CORNER OF LOT 12, BLOCK 10, OAKLAND PARK ADDITION TO THE SOUTHERN LINE OF BLOCK 18, OAKLAND PARK ADDITION EXTENDED AND A 20' PORTION BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 19, OAKLAND PARK ADDITION, EXTENDING NORTH 100'

THE PORTIONS TO BE RETAINED AS A UTILITY EASEMENT IS SHOWN  ON THE ABOVE PLAT.

CITY ENGINEER

DATE

VACATION OF BAYVIEW AVENUE FROM THE NORTHERN LINE OF HALSEY STREET TO THE NORTHERN LINE OF WORTH STREET OAKLAND PARK ADDITION.



Scale
0' 50' 100' 200'
University of Minnesota Duluth - July 25, 2012

**CITY OF DULUTH**

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 12-080	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Vacation of Platted Right of Way	Planning Commission Date	August 14, 2012	
Deadline for Action	Application Date	April 30, 2012	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Halsey Street and Bayview Avenue			
Applicant	Regents of the University of Minnesota	Contact	612-626-0565	
Agent	Kelley Brandt, Real Estate Office	Contact	brand571@umn.edu	
Legal Description	See attached			
Site Visit Date	May 31, 2012	Sign Notice Date	July 31, 2012	
Neighbor Letter Date	July 18, 2012	Number of Letters Sent	26	

Proposal

Applicant proposes to vacate Bayview Avenue between Worth Street and Halsey Street, and to vacate Halsey Street between Bayview Avenue and Oakland Avenue. Portions of the Bayview Avenue would be retained as a utility easement, as shown in the attached map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Street Right of Way	Traditional Neighborhood, Preservation
North	R-1	Undeveloped	Preservation
South	R-1	Undeveloped, Residential	Traditional Neighborhood
East	R-1	Undeveloped, Institutional	Traditional Neighborhood, Preservation
West	R-2	Institutional	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements requires a Planning Commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the Council.

Code Requirements are found in the UDC Section 50-37.6. The planning commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway or easement proposed for vacation:

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

Essentially, the standard for evaluating vacations is "uselessness," that the proposed easement is not needed for the purposes for which it was dedicated.

III.K.I

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #7 - Create and maintain connectivity.

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys.

Future Land Use - Preservation: Land with substantial restrictions. High natural resource or scenic value, or severe development limitations.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1) The Regents of the University of Minnesota own all property abutting the proposed vacation area.
- 2) Both rights of way are undeveloped.
- 3) An easement is needed for utility purposes. Applicant has worked with Minnesota Power and City of Duluth Engineering to ensure utility easements are maintained over portions of Bayview Avenue, as shown in the attached map. An existing sanitary sewer line on Halsey Street is not needed, and the applicant will work with the City to abandon this sewer line.
- 5) Vacation will not create a new dead-end street; Bayview Avenue already dead-ends at the southern boundary of the proposed vacation. There are no plans to further develop Bayview Avenue in the future.
- 6) One member of the public visited City Hall to ask about the boundaries of the proposed vacation, and was supportive as long as the boundary did not extend further south. No other public comments were received.
- 7) As long as a new utility easement is provided/rededicated, staff finds that this easement is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city; the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- 8) Vacations of streets lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the findings, Staff recommends that the Planning Commission recommend approval to the City Council for the petition to vacate the right of way with the following conditions:

- 1) A utility easement be recorded, as shown in the attached map.
- 2) Applicant work with the City Engineering office to abandon existing sewer line along Halsey Street.
- 3) Vacation goes into effect after being recorded at the County Recorder's office. Applicant will work with Duluth City Clerk's office if needed to assist in the recording process.

III.K.2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

PL 12-080

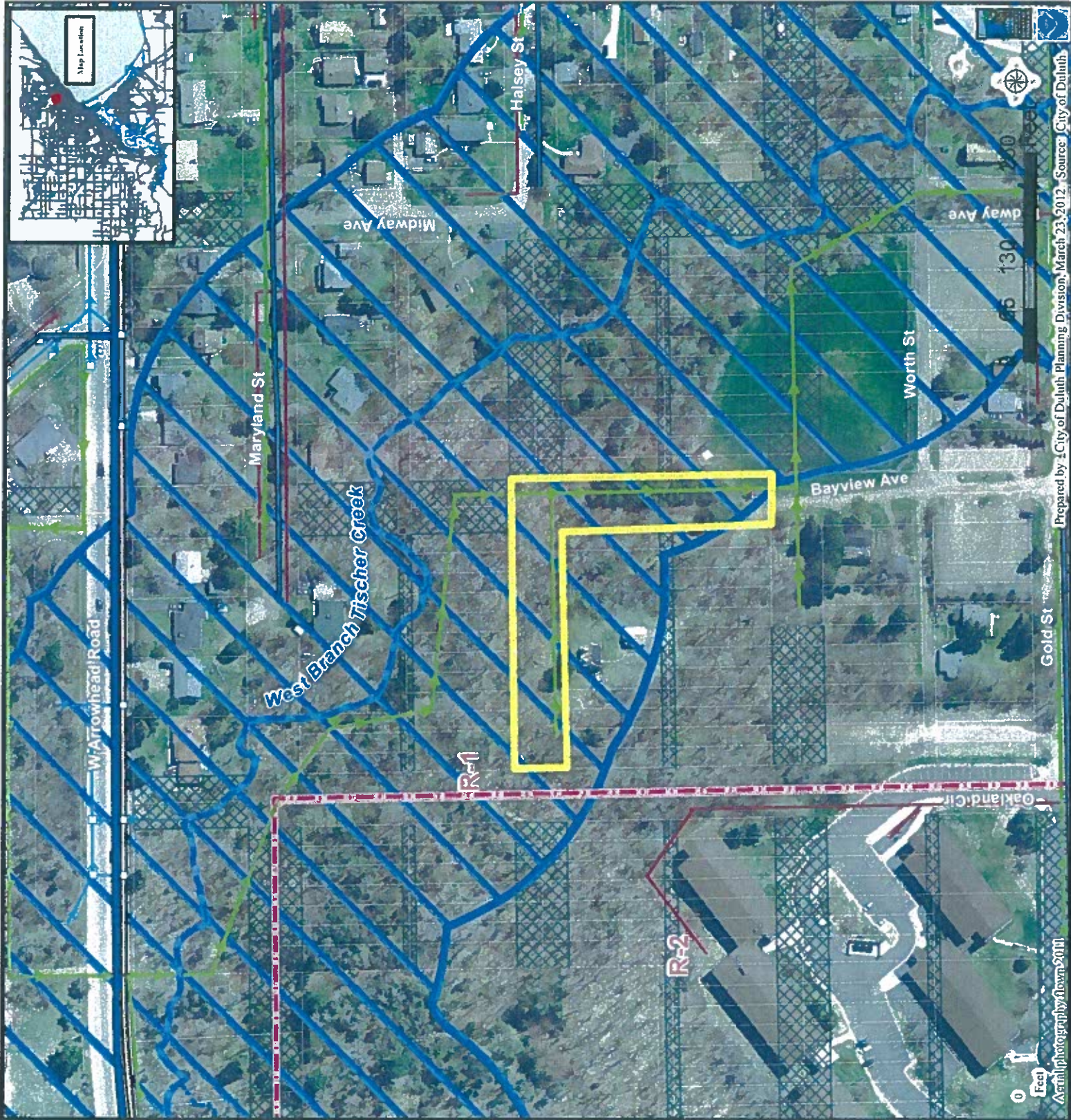
Halsey/Bayview Vacator

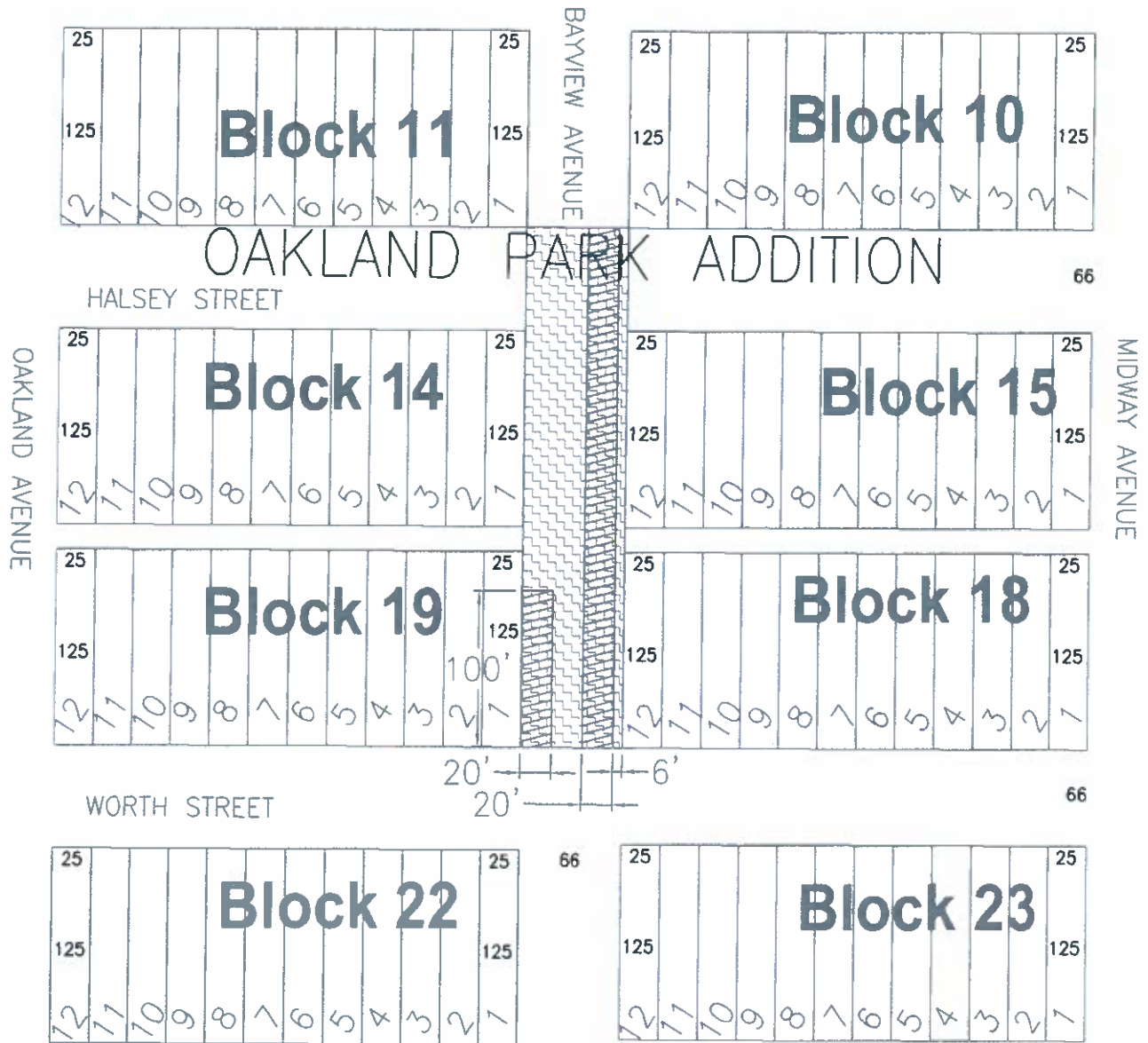
Site Map

Legend

- Zoning
- Vacated ROW
- Vacated ROW
- Streams
 - Trout Stream (GPS)
 - Other Stream (GPS)
- Shoreland Overlay Zone
 - Cold Water
 - Natural Environment
 - General Development
- Water Distribution System
 -
-
-
- Sanitary Sewer Collection System
 - Sanitary Sewer Collector
 - Sanitary Sewer Interceptor
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main
 -
 -
 -
- Storm Sewer Collection System
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
 - Discharge_Points

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for damages in connection with the use of this information contained within.





PLAT SHOWING THE VACATION OF BAYVIEW AVENUE FROM THE NORTHERN LINE OF HALSEY STREET TO THE NORTHERN LINE OF WORTH STREET OAKLAND PARK ADDITION.

THE PORTIONS TO BE VACATED IS SHOWN  ON THE ABOVE PLAT.

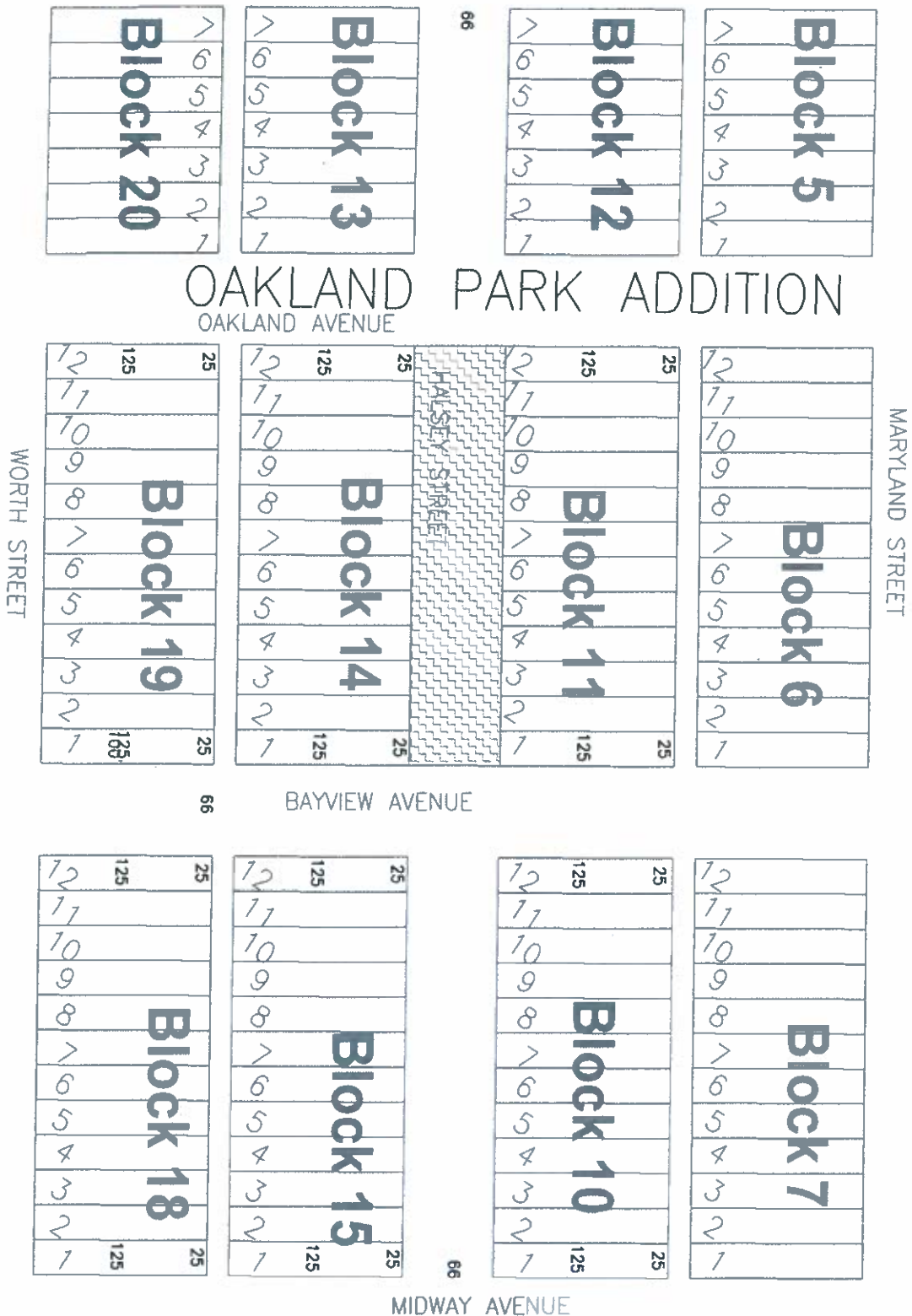
PLAT SHOWING THE PORTION OF BAYVIEW AVENUE TO BE RETAINED AS A UTILITY EASEMENT INCLUDING A 20' PORTION BEGINNING 6' WEST THE SOUTHWEST CORNER OF LOT 12, BLOCK 10, OAKLAND PARK ADDITION TO THE SOUTHERN LINE OF BLOCK 18, OAKLAND PARK ADDITION EXTENDED AND A 20' PORTION BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 19, OAKLAND PARK ADDITION, EXTENDING NORTH 100'

THE PORTIONS TO BE RETAINED AS A UTILITY EASEMENT IS SHOWN  ON THE ABOVE PLAT.

CITY ENGINEER

DATE

III.K.4



PLAT SHOWING THE VACATION OF HALSEY STREET FROM THE EASTERN LINE OF OAKLAND AVENUE TO THE WESTERN LINE OF BAYVIEW AVENUE OAKLAND PARK ADDITION.

THE PORTIONS TO BE VACATED IS SHOWN  ON THE ABOVE PLAT.

CITY ENGINEER _____ DATE *S.F.K.S*